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09/992,882	11/16/2001	Gil Gavriel Dukiewicz	051448.0204	1063

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,882

Applicant(s)

DUKIEWICZ ET AL.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s)
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 11/16/01 has been received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 and 50-71 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Henmi et al. (U.S. Patent No. 5,390,027).

Referring to claim 1, Henmi discloses receiving script data for a video program (see "VIDEO SIGNAL" entering "Data Extraction" unit 1 in Figure 1a). The video data containing video data, audio data and additional data transmitted specifically in the VBI portion of the video signal (Column 1, Lines 36-41 and Lines 61-63). Therefore any data contained in the VBI portion of the video signal can be considered script data.

Henmi also discloses determining identifiers of individual programming events within the program (see Column 6, Lines 32-36 for a program detector 115 in Figure 8 that extracts a program list data unit carrying program information of the television broadcasting).

Henmi also discloses producing closed caption data for the program, the closed caption data comprising text data corresponding to the script data (see Column 6, Lines 1-3 for extracting closed caption data (text data) from the VBI portion of a video signal (script data), also note that the program list data can be considered closed caption data (see reasons below)), and timing data provided at locations corresponding to the beginnings of each of the programming events (see Column 6, Lines 14-16 for processing the timing data contained in the data unit, which is from the script data transmitted in the VBI, also note that this timing data includes a start time as described in Figure 1b, which designates the beginnings of each programming event), the timing data corresponding to a programming event comprising an identifier of the corresponding programming event (see Column 8, Lines 6-18 for a description of how the timing data is stored in memory with the corresponding channel (identifier) of a program to be displayed in the program list). The examiner notes that closed caption data simply refers to text stored in the VBI of a broadcast stream, and that the program list data can also correspond to the closed caption data since this data can be displayed to a television screen and is stored in the VBI portion of a video signal.

Referring to claim 2, Henmi discloses that the timing data also contains an end time (see Figure 1b).

Referring to claim 3, Henmi inherently teaches that the timing data (start times) correspond to the beginnings of segments of a programming event (see Figure 1b). If the data contains a start and end time, then the video program defined by these times can either be an entire program or a segment.

Referring to claim 4, Henmi inherently teaches that the timing data (end times) correspond to the ends of segments of a programming event (see Figure 1b). If the data contains a start and end time, then the video program defined by these times can either be an entire program or a segment.

Referring to claim 5, Henmi discloses providing synchronized transmission of the closed caption data and programming events (see "sync data" in Figure 2b and Column 1, Lines 36-45).

Referring to claim 6, Henmi discloses displaying the synchronized closed caption data (as disclosed in claim 5) to a teleprompter system (see Column 6, Lines 1-3 for displaying the text data in the closed caption signal to a display for viewing). The examiner notes that a teleprompter system is simply a television screen for displaying text to a viewer.

Referring to claim 7, Henmi discloses storing the programming events and the closed caption data on a storage medium (see Column 8, Lines 11-18 for storing programming events, such as recording a program and closed caption data (program table data)).

Referring to claim 8, Henmi discloses a recording reservation option (identifier), which determines an amount of time by which the identifier precedes the beginning of the programming event (see "Second Flag for Recording Reservation" in Figure 1b and Column 8, Lines 19-22). By using this identifier it is inherent that an amount of time is determined before the program will be recorded, otherwise the system cannot know when the program should be recorded.

Referring to claim 9, Henmi discloses that synchronization (timing) data is inserted before other data in the VBI (see Column 1, Lines 36-45).

Referring to claim 10, Henmi discloses that the text broadcast data is transmitted in the vertical blanking interval, which is hidden data in a video signal (Column 1, Lines 36-38).

Referring to claim 11, Henmi discloses the timing data is accompanied by a timing data marker (see start or end time in Figure 1b).

Referring to claim 12, Henmi discloses that the timing data is encrypted (see Column 14, Lines 11-13 for disclosing an encoded (encrypted) transmission-format).

Referring to claims 13-24, see rejection of claims 1-12, respectively. Also note with reference to claim 18, that a teleprompter system is analogous to the display used to display the captions in relation to the spoken audio data being presented to a viewer.

Referring to claims 50-53, see rejection of claims 1-4, respectively. The examiner notes that "determining programming events within a program" and "determining identifiers of the programming events" are equivalent to the single limitation of "determining identifiers of individual programming events within the program".

Referring to claims 54 and 55, see rejection of claim 10.

Referring to claims 56-58, see rejection of claims 7-9, respectively.

Referring to claims 59-60, see rejection of claims 11-12, respectively.

Referring to claims 61-71, see rejection of claims 50-60, respectively. The examiner also notes the rejection of claim 13 to teach the processor and memory.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 25-35, 37, 39-45 and 47-48 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Van Thong et al. (U.S. Patent No. 6,442,518).

Referring to claim 25, Van Thong discloses producing closed caption data (see Column 1, Lines 20-21). Van Thong also discloses that the closed caption data comprises timing data comprising beginning timing data provided at locations in the closed caption data corresponding to beginnings of programming events within the video program (see Column 1, Lines 46-48 for a time stamp defining when a caption should appear and disappear). Van Thong also discloses that the closed caption data discloses text data corresponding to at least an audio portion of the video program (see Column 1, Lines 9-15).

Van Thong also discloses producing a video signal for the video program (see use of pre-recorded movies or television programs at Column 1, Lines 28-30).

Van Thong also discloses synchronizing the closed caption data to the video signal in accordance with display of corresponding text by a teleprompter system used in the production of the video program (see Column 1, Lines 9-15 and Column 2, Lines

43-45). Also note that a teleprompter system is analogous to the display used to display the captions in relation to the spoken audio data being presented to a viewer.

Referring to claim 26, Van Thong discloses that the timing data further comprises end-timing data provided at locations corresponding to ends of programming events (see Column 1, Lines 32-34 and Lines 46-48 on displaying a caption for a time period set by the start and end time of an actor speaking (programming event)).

Referring to claims 27-28, Van Thong discloses that the caption can be set for a segment of the video program where the actor is speaking (see Column 1, Lines 32-34).

Referring to claim 29, Van Thong discloses synchronizing video signal and closed caption data to the client video reception devices (see Column 1, Lines 5-15).

Referring to claim 30, Van Thong discloses storing the synchronized video signal and closed caption data on a machine-readable storage medium (see Column 1, Lines 49-51).

Referring to claim 31, Van Thong discloses that the timing data comprises an identifier associated with a programming event of the television program (see Column 1, 46-48 for the time stamp including an identifier (start of caption displaying) with is associated with a programming event).

Referring to claim 32, see rejection of claim 31 and also notes Van Thong discloses data indicating an amount of time by which the identifier precedes the beginning of the programming event (see Column 1, Lines 36-41 for a description of showing the caption before the actor starts speaking).



Referring to claim 33, Van Thong discloses that the timing data is inserted separately from the beginning of the programming event by using transcript data defining when a caption should be displayed (see Column 1, Lines 44-46).

Referring to claim 34, it is inherent that data in the closed caption portion of the video signal, which is the first 21 lines of the VBI, is hidden in the video signal (not displayed).

Referring to claim 35, Van Thong discloses that the television program is a news program (Column 1, Lines 4-6).

Referring to claim 37, Van Thong discloses a time stamp for displaying a caption at the proper time (Column 1, Lines 46-48).

Referring to claims 39-45, see rejection of claims 25-37, respectively.

Referring to claims 47-48, see rejection of claims 25 and 37, respectively. Also notes that in claim 47 that a video signal inherently represents a video portion of a video program.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36, 38, 46 and 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 5,442,518).

Referring to claim 36, Van Thong discloses "other productions" at Column 1, Lines 4-6. The examiner take Official Notice that would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a Home Shopping Network channel offered by the cable system for the purpose of allowing a viewer to purchase goods and services from his/her television.

Referring to claim 38, Van Thong teaches all of the limitations in claim 25, but fails to teach that the timing data is encrypted. The examiner takes Official Notice that it would have been obvious to a person of ordinary skill in the art to encrypt the timing data for the purpose of ensuring that the user receives the data in a secure manner.

Referring to claims 46 and 49, see rejection of claim 38.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bennett et al. (U.S. Patent No. 6,023,675) discloses an audio and video transcription system for manipulating real-time testimony.

Ahmad et al. (U.S. Patent No. 6,263,507) discloses a system to revieve data and display the data for review.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

May 19, 2003



**VIVEK SRIVASTAVA**  
PATENT EXAMINER